

Introduced by Senator Kehoe

February 16, 2011

An act to add Section 65966 to the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

SB 436, as introduced, Kehoe. Land use: mitigation lands: nonprofit organizations.

The Planning and Zoning Law authorizes a state or local public agency, if the agency requires a property owner to transfer to the agency an interest in real property to mitigate an adverse impact upon natural resources caused by permitting the development of a project or facility, to authorize a nonprofit organization to hold title to and manage that interest in real property, provided that the nonprofit organization meets specified requirements.

This bill would state the findings and declarations of the Legislature with respect to the preservation of natural resources through such mitigation, and would state that it is the intent of the Legislature to enact legislation to allow state and local public agencies and nonprofit organizations to utilize the tools and strategies they need for improving the effectiveness, cost-efficiency, and durability of mitigation for California's natural resources.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 65966 is added to the Government Code,
2 to read:

1 65966. (a) The Legislature finds and declares all of the
2 following:

3 (1) State and local laws protect a variety of natural resources,
4 and also require permits to be issued for the development of certain
5 projects or facilities.

6 (2) In furtherance of these laws, state or local public agencies
7 may require a property owner to transfer an interest in real property
8 to mitigate any adverse impact upon natural resources caused by
9 permitting the development of a project or facility.

10 (3) Funds may be simultaneously set aside for the long-term
11 management of the property transferred for mitigation purposes.

12 (4) Lands and real property interests transferred to achieve the
13 mitigation may be held by nonprofit organizations.

14 (5) Many state and local agencies work with nonprofit
15 organizations in valuable and cost effective public-private
16 partnerships to identify properties that meet the mitigation
17 requirements and to hold and provide long-term management of
18 the real property interests.

19 (6) There are tools and strategies available for improving the
20 effectiveness, cost-efficiency, and durability of mitigation for
21 California's natural resources.

22 (7) It is in the interest of the public, project proponents, and
23 local communities to ensure that the public benefits of mitigation
24 are achieved.

25 (b) It is the intent of the Legislature to enact legislation that will
26 allow state and local public agencies and nonprofit organizations
27 to utilize the tools and strategies they need for improving the
28 effectiveness, cost-efficiency, and durability of mitigation for
29 California's natural resources.